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Docket No.: 043888-0325

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 53080
: :
Tsutomu OHZUKU, et al. : Confirmation Number: 3395
: :
Application No.: 10/506,298 : Group Art Unit: 1795
: Allowed: January 09, 2009
Filed: September 01, 2004 : Examiner: ECHELMMEYER, Alix E.
: :
For: ANODE ACTIVE MATERIAL, MANUFACTURING METHOD THEREOF,
AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY

REQUEST FOR COMPLETE ACKNOWLEDGEMENT OF THE CITED ART

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated January 09, 2009.

In reviewing the file, it is noted that we have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed July 16, 2007. Specifically, **KR 2000-0017619 dated 03-25-2003** listed under **"Foreign Patent Documents (on page 7 of the PTO-1449)"** and **ROSSEN, E., et al., "Structure and Electrochemsitry of $\text{Li}_x\text{Mn}_y\text{Ni}_{1-y}\text{O}_2$ ", SOLID STATE IONICS, 1992, page 311-318, Vol. 57, Elsevier Science Publishers B.V. (on page 8 of the PTO-1449)** listed under **"Other Art"** are not initialed by the Examiner. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and stamped return postcard acknowledgement. Also enclosed please find a copy of the partially initialed PTO-1449 received with the Office Action dated November 23, 2007.

Applicant hereby respectfully requests that:

- (1) the **completely** acknowledged PTO-1449 be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No. 36,139

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Phone: 202.756.8000 MEF:kh
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Date: February 10, 2009

**Please recognize our Customer No. 53080
as our correspondence address.**



Docket No.: 043888-0325

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 53080
Tsutomu OHZUKU, et al.	:	Confirmation Number: 3395
Application No.: 10/506,298	:	Group Art Unit: 1745
Filed: September 01, 2004	:	Examiner: BELL, BRUCE F

For: POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF
AND NON -AQUEOUS ELECTROLYTE SECONDARY BATTERY

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached form PTO-1449. It is respectfully requested that the documents be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

02/11/2009 SZEWDIE1 00000042 500417 10506298
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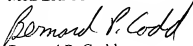
10/506,298

In accordance with 37 CFR 1.17(p), please charge the fee of \$180.00 to Deposit Account No. 500417.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd

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Phone: 202.756.8000 BPC:ln
Facsimile: 202.756.8087
Date: July 16, 2007

**Please recognize our Customer No. 53080
as our correspondence address.**



Applicant: <u>Isutomu OHZUKU, et al.</u>		Docket No. <u>043888-0325</u>		Serial No. <u>10/506,298</u>	
Title: <u>POSITIVE ELECTRODE ACTIVE MATERIAL, PRODUCTION METHOD THEREOF AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY</u>					
Date Sent: <u>7/16/2007</u> <input checked="" type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> 1st Class Mail <input type="checkbox"/> Express Mail No. _____					
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<input type="checkbox"/> Rule 312 Amendment/Letter					
<input type="checkbox"/> Req. for Acknowledgement of Cited Art					
<input type="checkbox"/> Issue Fee					
<input type="checkbox"/> Publication Fee					
<input type="checkbox"/> Req. for Certificate of Correction					
<input type="checkbox"/> Maintenance Fee for _____ years after grant					
<input type="checkbox"/> Fee Address Indication Form					
<input type="checkbox"/> Terminal Disclaimer					
<input checked="" type="checkbox"/> Korean Office Action (1)					
<input checked="" type="checkbox"/> Japanese Office Actions (2)					
<input checked="" type="checkbox"/> Observation of a third party - Japanese (2)					
<input type="checkbox"/> Small Entity <input checked="" type="checkbox"/> Large Entity					
<input type="checkbox"/> Declaration/Power of Attorney					
<input type="checkbox"/> Recordation of Assignment/Security Agreement					
<input checked="" type="checkbox"/> Information Disclosure Statement					
<u>8</u> Form PTO 1449					
<u>63</u> References attached					
<input type="checkbox"/> Preliminary Amendment					
<input type="checkbox"/> Response to Missing Parts Notice					
<input type="checkbox"/> Resp. to Notice to Correct App. Papers					
<input type="checkbox"/> Certified Copy of Priority Doc.					
<input type="checkbox"/> Claim for Convention Priority					
<input type="checkbox"/> Response/Amendment to Office Action of _____					
Request for _____ month Extension of Time					
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				Tkpr. #	5624
				Secy. or PL:	LLNguyen



CMS Descip: 10-\$180

THE PATENT AND TRADE-MARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.